

212218



October 11, 2004



VIA U.P.S. OVERNIGHT

Surface Transportation Board
Section of Environmental Analysis
1925 "K" St., N.W., Room 504
Washington, DC 20423-0001

Attention: Victoria Rutson

RE: Docket No. AB-33(Sub-No.218X), Union Pacific Railroad Company
- **Abandonment Exemption - In Kootenai County, Idaho from M.P. 2.25 to**
M.P. 7.50 (Coeur'd Alene Industrial Lead)

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after November 1, 2004.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.".

ENTERED
Office of Proceedings

OCT 14 2004

Part of
Public Record

Enclosures

O:\ABANDONMENTS\33-218X\STB-EHR.doc

Mack H. Shumate, Jr.
Senior General Attorney, Law Department

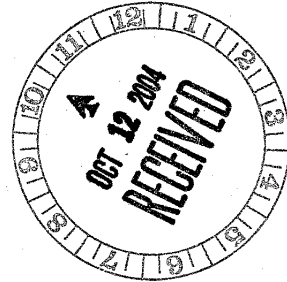
UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fax. (312) 777-2065

212218

BEFORE THE
SURFACE TRANSPORTATION BOARD

Docket No. AB-33 (Sub-No. 218X)

UNION PACIFIC RAILROAD COMPANY
-- ABANDONMENT EXEMPTION --
IN KOOTENAI COUNTY, IDAHO
(COEUR D' ALENE INDUSTRIAL LEAD)



Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

Dated: October 11, 2004
Filed: October 12, 2004

ENVIRONMENTAL REPORT
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

Response: The proposed action involves the abandonment and discontinuance of service on the Coeur D' Alene Industrial Lead from M. P. 2.25 Feeley Spur to M. P. 7.50 near Gibbs, a distance of 5.25 miles in Kootenai County, Idaho (the "Line"). There are no shippers on the Line, and no commodities have originated or terminated on the Line for over two years. There is no overhead traffic over the Line.

The Line was constructed by the Coeur d'Alene and Pend Oreille Railway Company in 1911. The Line consists of 72-pound jointed rail.

There appears to be no reasonable alternative to the abandonment. There has been no local traffic for at least two years, and overhead traffic has been shifted to an adjacent BNSF line. After abandonment, Coeur d'Alene will continue to receive rail service from both BNSF and UP. A portion of the Line to be abandoned might be reclassified for use as an industrial track. Coeur d'Alene is served by Interstate 90, a major east-west route, and U.S. 95, a major north-south route.

Based on information in the UP's possession, the Line proposed for abandonment does not contain federally granted right-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. A map of the Line is attached as **Attachment No. 1**.

(2) **Transportation System.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

Response: There will be no effect on regional or local transportation systems and patterns and no diversion of traffic to other transportation systems or modes. The subject Line has not been used for local freight traffic for at least two years.

(3) **Land Use.**(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by 49 C.F.R. § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

Response: (i) UP is unaware of any adverse effects on local and existing land use plans. Kootenai County, Idaho officials have been contacted. To date UP has received no response.

(ii) The Idaho State Conservationist with Idaho's Natural Resources Conservation Services has been contacted. After reviewing the proposed abandonment, the State Conservationist has determined that the proposed abandonment does not convert existing or potential cropland to a permanent non-

agriculture use. The State Conservationist's response is attached at **Attachment No. 3**, and is hereby made part hereof.

(iii) Not applicable.

(iv) The right-of-way is suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, or recreation. The City of Coeur d' Alene has expressed a strong interest in purchasing the property for development into a trail, or possibly a highway.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

Response: (i) There are no effects on the transportation of energy resources in view of the absence of rail shipments on the Line.

(ii) There are no recyclable commodities moved over the Line.

(iii) There will be no change in energy consumption from the abandonment.

(iv)(A)(B) There will be no rail-to-motor diversion.

(5) **Air.** (i) If the proposed action will result in either:

(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. §10901 (or §10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§(5)(i)(A) will apply.

Response: There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. §10901 (or 49 U.S.C. §10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

Response: There will be no increase in rail traffic, rail yard activity, or truck traffic as a result of the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

Response: The proposed action will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

Response: Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

Response: (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) By letter dated June 15, 2004, a copy of which is attached hereto as **Attachment No. 4** and hereby made a part hereof, the Department of Environmental Quality for the State of Idaho ("DEQ") is not aware of any large

releases of hazardous materials along the Line. However, the DEQ is requesting that UP undertake a reconnaissance assessment of the rail bed of the Line and adjacent right-of-way. UP's Environmental Department has reviewed the DEQ's request and has prepared a detailed response, a copy of which is attached hereto as **Attachment No. 5** and hereby made a part hereof. This response specifically finds that there is no significant potential of human health risk associated with the presence of creosote or herbicides on the Line. In addition, UP's Environmental Department is of the reasoned opinion that neither the requested field investigation nor any further evaluation of the Line is warranted.

UP specifically requests that the Environmental Section of the Board review both **Attachments No. 4 and No. 5** and not set forth a precedent which could potentially subject all railroad abandonments to conjecture rather than scientific fact as presented in UP's response (see **Attachment No. 5**).

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

Response: (i) The U. S. Fish and Wildlife Service has been contacted.

To date UP has received no response.

(ii) The National Park Service has been contacted. To date

UP has received no response.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

Response: (i) Region 10 of the U. S. Environmental Protection Agency has been contacted. To date UP has received no response. The Idaho DEQ's response is attached as **Attachment No. 4.**

(ii) The U.S. Army Corps of Engineers has been contacted. To date UP has received no response.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Response: Potential environmental impacts as defined by the DEQ are being reviewed by UP's Environmental Department

HISTORIC REPORT
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

Response: See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

Response: From milepost 2.25 to approximately milepost 7.0 the right-of-way is one hundred feet wide and is owned in fee by UP with the exception of approximately three-quarters of a mile in which it appears that UP has only an easement interest. The remaining one-half mile varies in width as it runs through a platted subdivision in which UP owns all of the lots traversed by the track or through a portion of an abandoned street right-of-way. UP's ownership appears to be fee except for the crossing under the abandoned Northern Pacific right-of-way (MP 7.0) and possibly in the abandoned street right-of-way. The topography surrounding the right-of-way is generally level with a slight downward slope as the track approaches the river (increasing milepost). It crosses through a rural area, then through residential (including schools, golf course, apartments and single-family homes) and finally, in the downtown area, an industrial area (cement plant and lumber mill). The nature of the downtown area (from milepost 7.0 to 7.5) is likely to change in the near future as it is near downtown and the river -- an area that the City would like to see developed.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

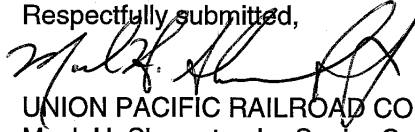
Response: There are no structures over fifty years in age which are affected by the proposed abandonment.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

Response: Not applicable.

Dated this 11th day of October, 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.", written over the typed name.

UNION PACIFIC RAILROAD COMPANY
Mack H. Shumate, Jr., Senior General Attorney
101 North Wacker Drive, Room 1920
Chicago, Illinois 60606
(312) 777-2055
(312) 777-2065 FAX

CERTIFICATE OF SERVICE
OF THE
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 218X), the Coeur d' Alene Industrial Lead in Kootenai County, Idaho was served by first class mail on the 11th day of October, 2004 on the following:

State Clearinghouse (or alternate):

Commission Secretary
Idaho Public Utilities Commission
P. O. Box 83720
472 West Washington St.
Boise, ID 83702

State Environmental Protection Agency:

Idaho Division of Environmental Quality
1410 N. Hilton
Boise, ID 83706

State Coastal Zone Management Agency
(if applicable):

None

Head of each County:

Kootenai County Supervisors
County Courthouse
451 Government Way
Coeur D' Alene, ID 83814-2988

Environmental Protection Agency
(Regional Office):

U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, WA 98101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 1
911 NE 11th Avenue
Portland, OR 97232-4181

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Walla Walla
201 North Third Avenue
Walla Walla, WA 99362-1876

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
9173 W. Barnes Drive, Ste. C
Boise, ID 83709-1573

National Geodetic Survey:

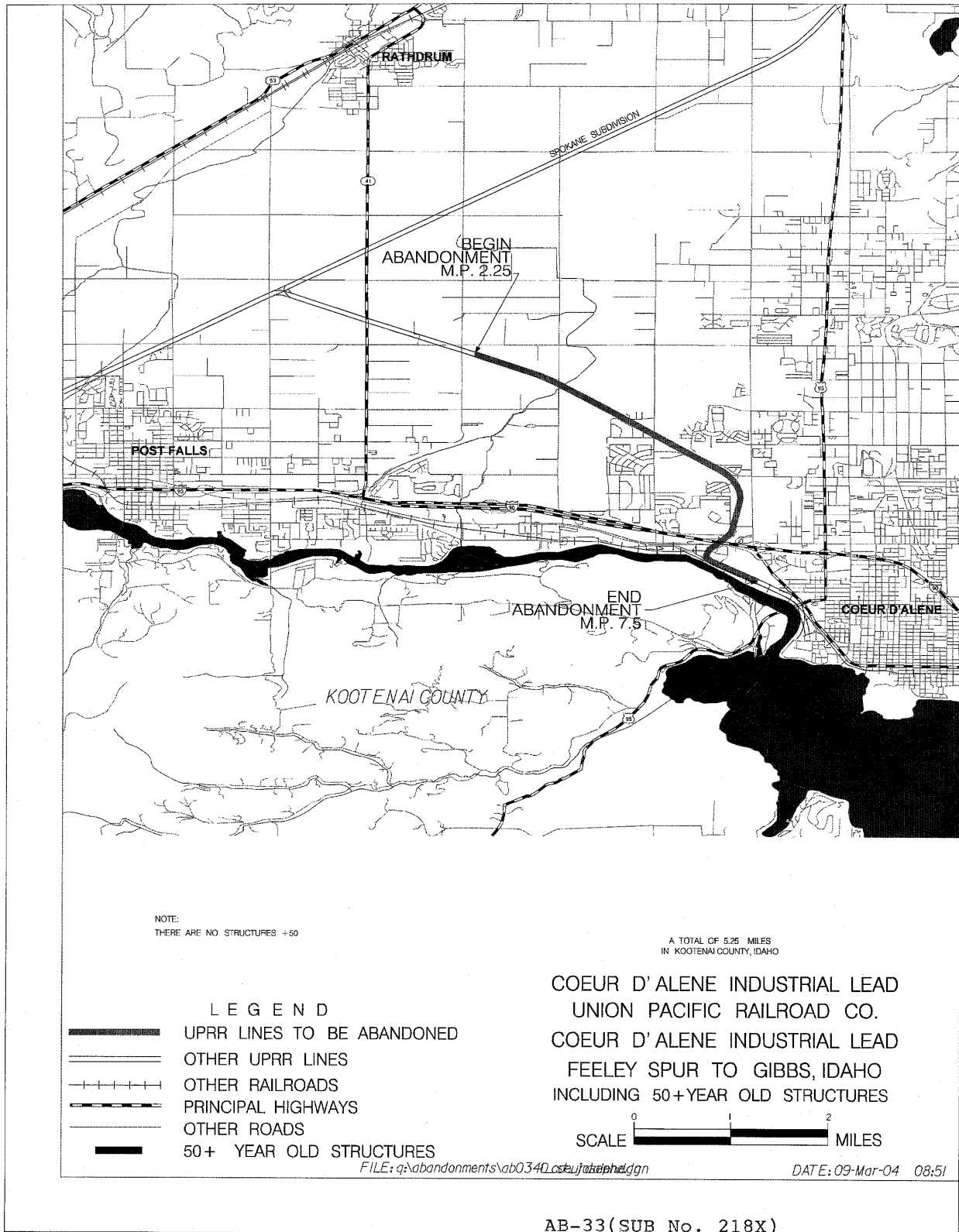
National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

State Historic Preservation Office:

State Historic Preservation Officer
Idaho Historical Society
1109 Main St., Suite 250
Boise, ID 83702

Dated this 11th day of October, 2004.


Mack. H. Shumate, Jr.



CHARLES W. SAYLORS
DIRECTOR-LEGAL SUPPORT SERVICES

UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET
OMAHA, NEBRASKA 68179
(402) 271-4861

(402) 271-5625 (FAX)

March 12, 2004

State Clearinghouse (or alternate):

Commission Secretary
Idaho Public Utilities Commission
P. O. Box 83720
472 West Washington St.
Boise, ID 83702

State Environmental Protection Agency:

Idaho Division of Environmental Quality
1410 N. Hilton
Boise, ID 83706

**State Coastal Zone Management Agency
(if applicable):**

None

Head of each County:

Kootenai County Supervisors
County Courthouse
451 Government Way
Coeur D' Alene, ID 83814-2988

**Environmental Protection Agency
(Regional Office):**

U.S. Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, WA 98101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service, Region 1
911 NE 11th Avenue
Portland, OR 97232-4181

U.S. Army Corps of Engineers:

U.S. Army Engineer District
Walla Walla
201 North Third Avenue
Walla Walla, WA 99362-1876

National Park Service:

National Park Service
William D. Shaddox
Chief, Land Resources Division
1849 "C" St., N. W., #MS3540
Washington, DC 20240

U.S. Natural Resources Conservation Service:

State Conservationist
Natural Resource Conservation Service
9173 W. Barnes Drive, Ste. C
Boise, ID 83709-1573

National Geodetic Survey:

National Geodetic Survey
Edward J. McKay, Chief
Spatial Reference System Division
NOAA N/NGS2
1315 E-W Highway
Silver Spring, MD 20910-3282

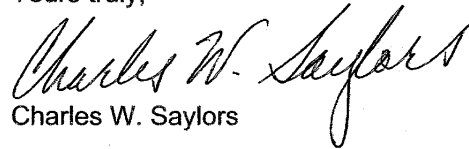
State Historic Preservation Office:

State Historic Preservation Officer
Idaho Historical Society
1109 Main St., Suite 250
Boise, ID 83702

Re: Proposed Abandonment of the Coeur D' Alene Industrial Lead from M. P. 2.25
Feeley Spur to M. P. 7.50 near Gibbs in Kootenai County, Idaho; STB Docket
No. AB-33 (Sub-No. 218X)

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment

United States Department of Agriculture



Natural Resources Conservation Service
9173 W. Barnes Dr., Suite C
Boise, ID 83709-1574

April 26, 2004

Charles W. Saylor
Director-Legal Support Services
Union Pacific Railroad Company
1416 Dodge Street
Omaha, NE 68179

Dear Mr. Saylor:

We received your request for information concerning lands subject to the Farmland Protection Policy Act as part of the Union Pacific Railroad's application to abandon a 2.5-mile rail line located between milepost 2.25 near the Coeur d' Alene Industrial Lead and milepost 7.50, near Gibbs in Kootenai County, Idaho.

The stated purpose of the Farmland Protection Policy Act as published in the Federal Register on June 17, 1994; (Volume 59, No. 116) is to protect farmland from being irrevocably converted from actual or potential use to a permanent nonagricultural use.

After a careful review of your request, it is our feeling that the proposed action by the Union Pacific Railroad is not subject to the Farmland Protection Policy Act. The proposed action does not convert existing or potential cropland to a permanent non-agriculture use.

We appreciate the opportunity to comment on this proposed action. If you have any questions, feel free to contact Hal Swenson, Assistant State Soil Scientist for NRCS in Idaho. Hal's telephone number is 208-378-5728 or e-mail at Hal.Swenson@id.usda.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Sims", is written over a horizontal line.

RICHARD SIMS
State Conservationist

cc:

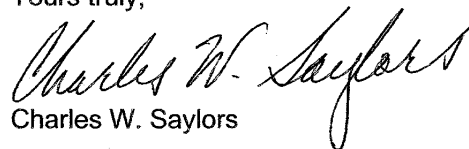
David Hoover, State Soil Scientist, NRCS, 9173 W. Barnes Dr., Ste. C, Boise, ID 83709
Hal K. Swenson, Assistant State Soil Scientist, NRCS, 9173 W. Barnes Dr., Ste. C, Boise, ID 83709
Bob Tribelhorn, Area Conservationist, NRCS, 220 East 5th St., Rm. 229, Moscow, ID 83843
Mark Addy, District Conservationist, NRCS, 7830 Meadow Lark Way, Ste. C-1, Coeur d'Alene, ID 83815

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

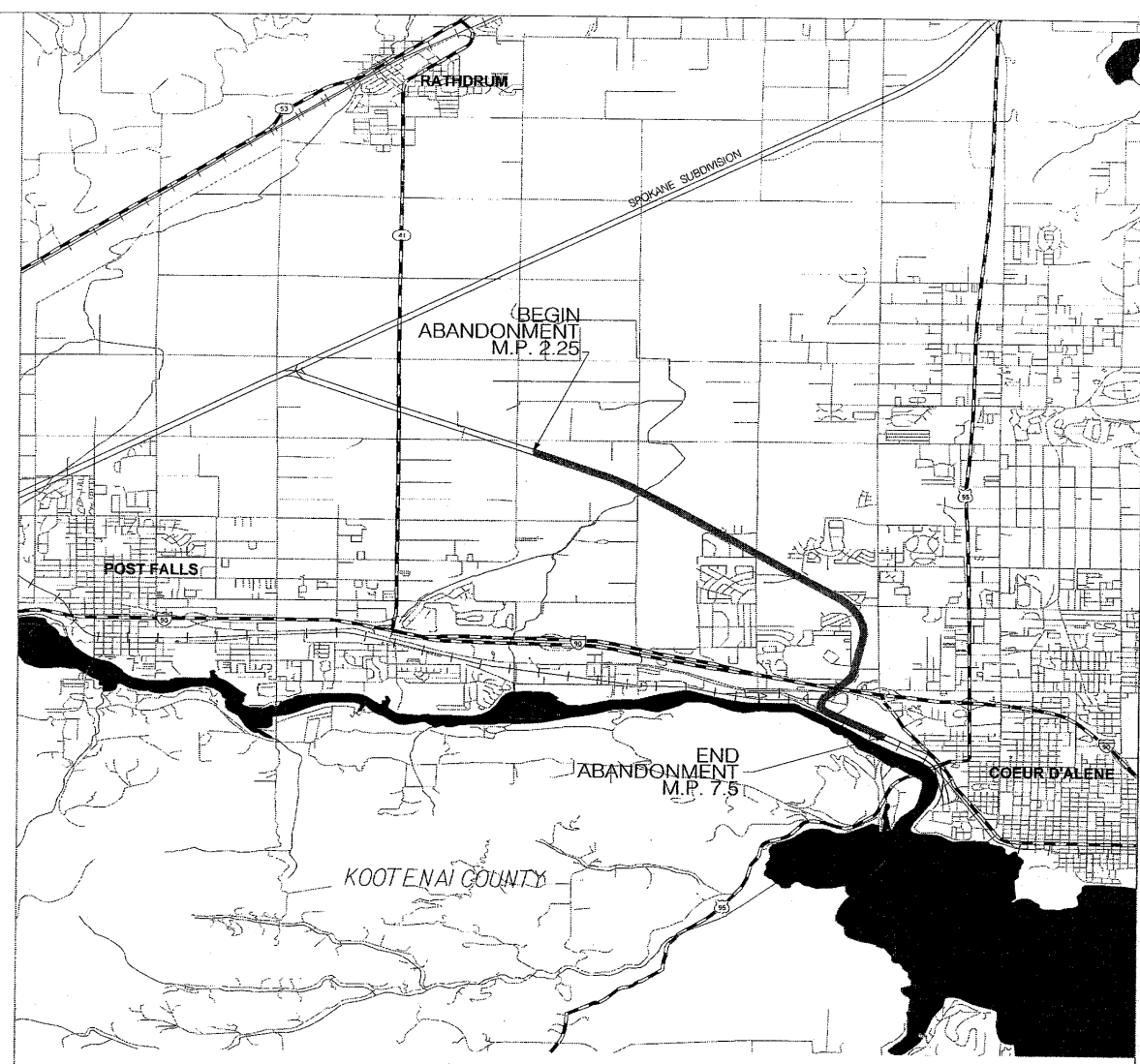
An Equal Opportunity Provider and Employer

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,


Charles W. Saylor

Attachment



NOTE:
THERE ARE NO STRUCTURES +50.

A TOTAL OF 5.25 MILES
IN KOOTENAI COUNTY, IDAHO

- LEGEND
- UPRR LINES TO BE ABANDONED
 - OTHER UPRR LINES
 - OTHER RAILROADS
 - PRINCIPAL HIGHWAYS
 - OTHER ROADS
 - 50+ YEAR OLD STRUCTURES

COEUR D'ALENE INDUSTRIAL LEAD
UNION PACIFIC RAILROAD CO.
COEUR D'ALENE INDUSTRIAL LEAD
FEELEY SPUR TO GIBBS, IDAHO
INCLUDING 50+YEAR OLD STRUCTURES

SCALE MILES

FILE: q:\abandonments\ab0340.ctb\jatephd.dgn

DATE: 09-Mar-04 08:51

United States Department of Agriculture



Natural Resources Conservation Service
9173 W. Barnes Dr., Suite C
Boise, ID 83709-1574

April 26, 2004

Charles W. Saylor
Director-Legal Support Services
Union Pacific Railroad Company
1416 Dodge Street
Omaha, NE 68179

Dear Mr. Saylor:

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After a careful review of your request, it is our feeling that the proposed action by the Union Pacific Railroad is not subject to the Farmland Protection Policy Act. The proposed action does not convert existing or potential cropland to a permanent non-agriculture use.

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Sincerely,

A handwritten signature in cursive script that reads "Richard Sims".

RICHARD SIMS
State Conservationist

cc:

David Hoover, State Soil Scientist, NRCS, 9173 W. Barnes Dr., Ste. C, Boise, ID 83709
Hal K. Swenson, Assistant State Soil Scientist, NRCS, 9173 W. Barnes Dr., Ste., C, Boise, ID 83709
Bob Tribelhorn, Area Conservationist, NRCS, 220 East 5th St., Rm. 229, Moscow, ID 83843
Mark Addy, District Conservationist, NRCS, 7830 Meadow Lark Way, Ste. C-1, Coeur d'Alene, ID 83815

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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2004 JUN 17 AM 8:46

IDAHO PUBLIC
UTILITIES COMMISSION

2110 Ironwood Parkway • Coeur d'Alene, Idaho 83814-2648 • (208) 769-1422

Dirk Kempthorne, Governor
C. Stephen Allred, Director

June 15, 2004

Ron Law, Executive Administrator
Idaho Public Utilities Commission
P.O. Box 83720
Boise, Idaho 83720-0074

Subject: Proposed Union Pacific Railroad Abandonment.

Dear Mr. Law:

This letter is in response to the Idaho Public Utilities Commission's notice concerning abandonment of the Coeur d'Alene Industrial Lead from milepost 2.25 Feeley Spur to milepost 7.5 near Gibbs, Idaho. At its eastern terminus the rail line flanks the Spokane River for approximately a mile. The rail line passes by residential neighborhoods, schools and parks in western Coeur d'Alene. It is readily accessible to the public. After discussions with long time residents of the Coeur d'Alene area, our understanding is that the line primarily carried forest products to and from lumber mills. Petroleum products were transported to heating oil distributors and an asphalt plant. Creosote from treated ties is a contaminant known to exist along the railroad bed. Herbicides, used in vegetation control and spilled petroleum product are potential contaminants in the rail corridor as well.

The Department of Environmental Quality (DEQ) is not aware of any large releases of hazardous materials along the rail line. Based on the potential contaminants of petroleum products, the long history of line operation and our experience with other rail line abandonment projects, DEQ requests a reconnaissance assessment of the rail bed and adjacent right of way over its length. The assessment should inventory any areas with discolored soils or devoid of vegetation for no apparent reason. The extent of these areas should be mapped. Any areas inventoried should undergo soil testing using a defensible sampling design to establish the nature of any contamination, its extent, and maximum concentration values. The type of contamination suspected at any particular site should dictate the constituents sampled and assessed. A diesel extended TPH analysis (Method # SW8015 modified) may be indicated given the fact that heavy petroleum products were carried over the line.

Since the line is known to have creosote contamination on its bed and it is easily accessed from the populated areas it passes, additional testing and assessment should be completed to assure that no public health issues exist. A scientifically supportable random sampling of the grade and right of way should be completed to establish the surface and near surface (12 inches) concentrations of creosote and herbicides. These data should be subjected to a risk based assessment protocol that should guide grade closure alternatives protective of human health and the environment.

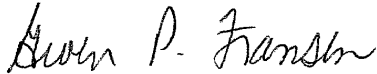
Ron Law, Executive Administrator
June 15, 2004
Page 2

There is a short section of the rail grade situated along the Spokane River. Any abandonment activities such as rails and ties removal should apply best management practices (BMPs) designed to protect the river from nonpoint source pollution. Once installed these BMPs should be inspected on a regular basis and enhanced if not achieving the desired control of runoff and nonpoint source pollution.

Any area used to temporally store and/or treat salvaged rails and ties should be situated well away from the river. It should be adequately fenced to restrict public access. Any temporary storage and/or treatment facility situated any place along the rail line will be over the Rathdrum Prairie-Spokane Valley Aquifer, a sole drinking water source for 450,000 residents of the region. Local critical materials regulations (IDAPA 41.01.01.400) designed for aquifer protection will apply to any associated chemical storage at a storage and/or treatment site. Groundwater protection is required by the Idaho Groundwater Rule (IDAPA 58.01.11). Primary and secondary impermeable layers for containment of drainage generated from precipitation on stored rails and ties would be warranted. Adequate measures to collect, isolate and treat any accumulating liquids should be in place. Should tie washing be contemplated on such a site, liquid waste minimization measures would be required in addition to a liquids removal or treatment plan. RCRA regulations may apply, dependent on any wastes generated.

If you have any questions concerning this response, please direct these to Kreg Beck at 208-769-1422 or kbeck@deq.state.id.us.

Sincerely,



Gwen P. Fransen
Regional Administrator

c: Surface Transportation Board, 1925 K St., NW, Washington, D.C. 20423-0001
C. Stephen Allred, DEQ-State Office
Kreg Beck, DEQ-Coeur d'Alene
Richard Martindale, PHD-Coeur d'Alene
Rand Wichman, Kootenai County Planning & Zoning

UNION PACIFIC RAILROAD COMPANY

Attachment 5

GARY L. HONEYMAN
Manager Environmental Site Remediation

Safety, Health and Environment
1416 Dodge Street, Room 930
Omaha, NE 68179-0930



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Phone: (307) 745-6532
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GLHONEYM@UP.COM

October 8, 2004

Idaho Public Utilities Commission
P.O. Box 83720
Boise, ID. 83720-0074

**RE: Idaho PUC Case No. UPR-R-04-01 - Response to Comments by Idaho
Department of Environmental Quality Relative to Proposed Abandonment Coeur
d'Alene Industrial Lead Line**

Dear Madam or Sir:

This letter is provided in response to the comments submitted by the Idaho Department of Environmental Quality (IDEQ) relative to the proposed abandonment of portions of the Coeur d'Alene Industrial Lead line (the Line) located in northern Idaho. These comments were submitted by IDEQ to the Idaho Public Utility Commission (IPUC) in a letter dated June 15, 2004.

The IDEQ letter raised concerns relative to the potential for creosote and herbicide contamination along the rail bed of the Line and the potential for human exposure as a result of access to the Line from the nearby, populated areas. The IDEQ letter recommended that additional testing and a risk based assessment be performed to ensure that there are no public health issues.

Based on the discussion presented below, we believe that the proposed abandonment of the ROW does not pose any human health related concerns related to creosote or herbicides and that the sampling program recommended by IDEQ is unnecessary.

IDEQ's concerns relative to creosote presumably arises from the presence of creosote treated ties within the rail bed and the potential for this creosote to migrate into the ballast or underlying rail bed material. It should be pointed out that creosote treated ties and utility poles are used extensively throughout the country and we are unaware of a situation where evaluations such as those suggested by IDEQ have been requested by a regulatory agency as part of an abandonment proceeding.

Comparison with Risk Based Corrective Action Guidance for PAHs Associated with Weathered Creosote

Individual PAH Compounds Commonly Associated with Weathered Creosote	IDEQ Tier I Risk Based Screening Levels for Surficial Soils (mg/kg)		MDEQ Generic Risk Based Criteria ⁽²⁾ (mg/kg)	Extrapolated Concentration Based on Total Avg. PAH Concentration of 1.5 mg/kg in Ballast	
	Residential	Commercial/Industrial	Residential/Commercial	% of Total ⁽⁴⁾	mg/kg
Benzo(b)Fluoranthene	1.22	7.7 ⁽¹⁾	20 ⁽²⁾	8	0.12
Benzo(k)Fluoranthene	4.4 ⁽¹⁾	4.4 ⁽¹⁾	200 ⁽²⁾	8	0.12
Benzo(a)Anthracene	1.22	19.3 ⁽¹⁾	20 ⁽²⁾	12	0.18
Chrysene	0.5 ⁽¹⁾	0.5 ⁽¹⁾	2,000	12	0.18
Fluoranthene	9 ⁽¹⁾	9 ⁽¹⁾	46,000	26	0.39
Phenanthrene	15 ⁽¹⁾	15 ⁽¹⁾	1,600	8	0.12
Pyrene	10 ⁽¹⁾	10 ⁽¹⁾	29,000	13	0.20

- (1) Risk-based value exceeds Soil Saturation Limit (SSL). RBSL equals the SSL.
- (2) MDEQ lowest criteria for particulate inhalation, dermal contact, or ingestion pathway.
- (3) MDEQ indicates insufficient data for inhalation pathway
- (4) The extrapolated concentration of the individual compounds is based on the spectrum of individual PAH compounds found in weathered in creosote as reported in the Brooks study

As indicated in the above table, the extrapolated concentrations of the individual PAH compounds within the ballast adjacent to weathered ties are significantly less than either the IDEQ or MDEQ risk based criteria. The ties located on the Line are generally more than four years old; therefore, the results reported in the Brooks study for weathered ties would be representative of the conditions found on the Line.

The above analysis indicates that any concentrations of creosote that made be found within the rail bed of the Line would be minimal and would not represent a risk to the general public.

The IDEQ letter also makes reference to potential environmental controls if tie washing occurs as part of the tie removal. Washing of ties as part of the tie removal process is not a common occurrence. IDEQ may have raised this issue due to familiarity with the activities associated with a CERCLA response action conducted by UPRR on an abandoned branch line (the Wallace-Mullan Branch) in the Coeur d'Alene Valley. This response action addressed metals associated with mine waste contamination that existed along portions of the rail bed. Due to the presence of these metals, the scope of the response action required decontamination of the ties prior to salvage. This decontamination involved the removal of visually identifiable accumulations of surface material on the ties. In this unique situation, high pressure washing was used in the decontamination process.

During the course of the Wallace-Mullan Branch response action, IDEQ requested that the solid residuals removed from the ties as well as the wash water be analyzed for

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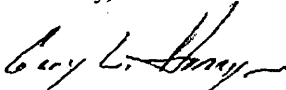
creosote compounds. The analysis did not find any detectable concentrations of creosote. This indicates that, even under the aggressive conditions represented by the pressure washing, migration of creosote from railroad ties did not occur.

The IDEQ letter also raised the issue of herbicides. Any herbicides that would be present within the rail bed would occur as a result of routine weed spraying. Any such weed spraying would have occurred by a licensed contractor and would not represent any more risk than that which normally occurs along any public transportation corridor that would be subject to such spraying.

Based on the above discussion, there is no significant potential of human health risk associated with the presence of creosote or herbicides within the ROW. Accordingly, we do not believe that either the field investigation suggested by IDEQ or any further evaluation of this issue is warranted.

If you have any questions pertaining to this letter please do not hesitate to contact Gary Honeyman at (307) 745-6532.

Sincerely,



Gary L. Honeyman
Manager, Environmental Site Remediation

cc: Joel Strafelda - UPRR
Mack Shumate - UPRR
Bob Bylsma - UPRR
Gwen Fransen - IDEQ